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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written Statement* submitted by the International Centre for Human Rights and Democratic Development (Rights & Democracy), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

The Judgement of The Women's International War Crimes Tribunal 2000 on Japan Military Sexual Slavery

1. On December 4th 2001, a new page of history was written when the Final Judgement of the Women's International War Crimes Tribunal of Japan's Military Sexual Slavery was delivered in The Hague. The judgement comes more than fifty-five years after the Japanese Imperial Army sexually enslaved over 200,000 women between 1932 and 1945.

2. In December 2000, the civil society of the Asia-Pacific region supported by international NGOs convened the Women's International War Crimes Tribunal as a response for the failure of states to discharge their responsibility to ensure justice. The Tribunal was established out of conviction that this failure could not silence the voices of survivors nor prevent accountability for crimes against humanity. These proceedings demonstrated that the institutionalisation of sexual slavery of girls and women was an integral part of the Japanese military campaigns.

3. Acknowledging that progress has been made toward recognizing and prosecuting crimes of sexual violence by the International Criminal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR), the Women's War Crimes Tribunal is another step towards ending impunity and ensuring that citizens understand law as an instrument of civil society.

4. The Women's War Crimes Tribunal Judgement is limited to exercising moral authority, it makes recommendations stemming from its legal findings and principles of rights and justice. The United Nations Commission on Human Rights 58th session can ensure that Member States of the United Nations serve the interests of the peoples of the United Nations by disseminating the Judgement of the Tokyo Tribunal 2000 and implementing recommendations of the Judgement. The recommendations are as follow :

« The Government of Japan must provide each of the following remedial measures :

1. Acknowledge fully its responsibility and liability for the establishment of the "comfort system", and that this system was in violation of international law.

2. Issue a full and frank apology, taking legal responsibility and giving guarantees of non-repetition.

3. Compensate the victims and survivors and those entitled to recover as a result of the violations declared herein through the government and in amounts adequate to redress the harm and deter its future occurrence.

4. Establish a mechanism for the thorough investigation into the system of military sexual slavery, for public access and historical preservation of the materials.

5. Consider, in consultation with the survivors, the establishment of a Truth and Reconciliation Commission that will create a historical record of the gender based crimes committed during the war, transition, and occupation.

6. Recognize and honour the victims and survivors through the creation of memorials, a museum and a library dedicated to their memory and the promise of "never again".

7. Sponsor both formal and informal educational initiatives, including meaningful inclusion in textbooks at all levels and support for scholars and writers, to ensure the education of the population and, particularly, the youth and future generations concerning the violations committed and the harm suffered.

8. Support training in the relation between the military slave system and gender inequality and the prerequisites for realizing gender equality and respect for the equality of all the peoples of the region.

9. Repatriate survivors who wish to be repatriated.

10. Disclose all documents or other material in its possession with regard to the "comfort stations".

11. Identify and punish principal perpetrators involved in the establishment and recruitment of the "comfort stations".

12. Locate and return the remains of the deceased upon the request of family members or close associates.

The Tribunal further recommended that the former Allied Nations :

1. Immediately declassify all military and governmental records concerning the establishment and operation of the "comfort" system and the reasons why it was not prosecuted before the International Military Tribunal for the Far East (IMTFE).

2. Immediately declassify all military and governmental records concerning the failure to prosecute the Emperor Hirohito before the IMTFE.

3. Acknowledge its own failures to investigate and prosecute the crimes committed against the former "comfort women" initially in the post war trials and since in the intervening 55 years.

The Tribunal further recommends that the United Nations and all the States thereof :

1. Take all steps necessary to ensure that the government of Japan provides full reparations to the victims and survivors and those entitled to recover on account of the violations committed against them.

2. Seek an advisory opinion of the International Court of Justice as to the illegality and continuing liability of the government of Japan in regards to the former "comfort stations". »

RECOMMENDATIONS

1. The Commission should seize the opportunity of the Women's International War Crimes Tribunal Judgement to remind Japan to do the honourable thing and recognize its state responsibility.

2. The international community could not render a better service to the victims and to Japan than to accept the Final Judgement of the Women's War Crimes Tribunal as an official document of the 58th session of the United Nations Commission on Human Rights.

3. As stated by the Judges of the Women's War Crimes Tribunal in The Hague on December 4, 2001 about the courage and the resolve of the survivors: "The crimes committed against these survivors remains one of the greatest unresolved injustices of the Second World War. There are no museums, no graves of the unknown "comfort woman", no education of future generations, and no judgement days, for the victims of Japan's military sexual slavery. Many of the women who have come forward to fight justice have died unsung heroes. While the names inscribed in history's pages are often those of the men that commit the crimes, rather than the women that suffer them, this Judgement bears the names of the survivors that took the stage to tell their stories, and thereby, for four days at least, put wrong on the scaffold and truth on the throne."